



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
161765.00520 (PC27498)

In Reply, Please Refer to: Rathone, et. al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/646,798	August 25, 2003	Satyanarayan Gudibande	26648	1654	3621

Title: **Method for the Preparation of Growth Hormone and Antagonist Thereof Having to Lower Levels of Isoform Impurities Thereof**

COMMISSIONER FOR PATENTS:

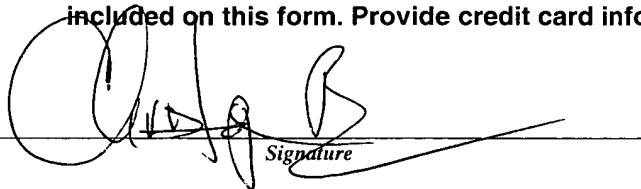
Transmitted herewith is:

Certificate of Mailing, Response to Restriction Requirement, Petition for Extension of Time, and Return Postcard

in the above identified application.

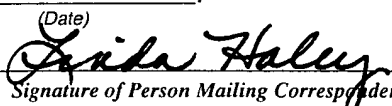
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Signature

S. Christopher Bauer
42,305

Dated: **September 29, 2005**

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Linda Haley Typed or Printed Name of Person Mailing Correspondence	

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PATENT

Case: 161765.00520 (PC27498)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Rathone, et al.

GROUP ART UNIT: 1654

SERIAL NO: 10/646,798

EXAMINER: Satyanarayan
Gudibande

FILED: August 25, 2003

DATE: September 29, 2005

TITLE: METHOD FOR THE PRODUCTION OF GROWTH HORMONE AND
ANTAGONISTS THEREOF HAVING LOWER LEVELS OF ISOFORM
IMPURITIES THEREOF

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P. O. Box 1450, Alexandria, VA 22313-1450
on September 29, 2005 by Linda Haley

Linda Haley Date: September 29, 2005

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is in response to the June 29, 2005 Office Action, having a Shortened Statutory Period for Reply set to expire on July 19, 2005. A two-month Extension of Time to September 29, 2005 is hereby requested.

The Examiner required restriction to one of three distinct inventions as indicated in the Office Action.

Applicants respectfully traverse the requirement for restriction of the claims into three Groups. As stated in MPEP §803.01, "[t]here are two criteria for a proper restriction requirement for restriction between patentably distinct inventions: (A) The inventions must be independent ... or distinct as claimed ...; and (B) **There must be a serious burden on the examiner if restriction is required ...**" (emphasis added). Each of the three proposed Groups of claims have been classified in the same class, Class 530. Because election of any of the three proposed Groups requires the Examiner

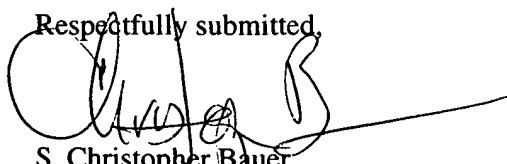
to search the same class and subclasses, it would not be a serious burden for the Examiner to also search this class and subclasses with respect to all of the claims. Additionally, the Examiner's argues that Groups I and II are unrelated because in claim 75 of Group II requires that both a mercapto compound (Group I) and a chelating agent (Group II) are not to be used together. However, to be unrelated it must be shown that the inventions are 1) not capable of use together **and** they 2) have different modes of operation, different functions, or different effects. Both of these requirements must be fulfilled before it can be argued that the inventions are unrelated. The fact that claim 75 restricts the purification to not include a mercapto compound does not establish that the inventions is incapable of use together. To the contrary dependent claim 75 merely presents a situation where they are not used together. Furthermore, the Examiner has failed to establish that the inventions have different modes of operation, different functions, or different effects, which is also required. The Examiner argues that Group I and III are unrelated because Group III has a separate utility. Similarly, as set forth, above, the Examiner has not shown that the inventions are not capable of use together **and** they have different modes of operation, different functions, or different effects. The fact the invention III may have an additional utility does not make them incapable of use together. Therefore it is respectfully submitted that the Examiner has failed to establish that the inventions are unrelated.

Nevertheless, to comply with 37 CFR 1.143, Applicants elect the invention of Group I (claims 1-68).

Applicants reserve the right to file one or more divisional or continuation applications directed to unelected subject matter.

Applicants submit that the present invention is now in condition for allowance. Early allowance of all pending claims is respectfully solicited.

Respectfully submitted,



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